No. 368. MARCELLE *v.* ESTATE OF LUPIA ET AL. Certiorari, 348 U. S. 882, to the United States Court of Appeals for the Second Circuit. Argued March 4, 1955. Decided March 7, 1955. *Per Curiam:* We reject the construction placed upon the statute by the Fifth Circuit and approve the construction placed thereon by the Second Circuit, whose judgment is affirmed. *Lee A. Jackson*

argued the cause for petitioner. With him on the brief were *Solicitor General Sobeloff, Assistant Attorney General Holland, Marvin E. Frankel, Ellis N. Slack* and *Walter Akerman, Jr. Leon London* filed a brief for respondents. Reported below: 214 F. 2d 942.